

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
)
)
 v.) CRIMINAL ACTION
) NO. 05-40025-FDS
NYDIA SHARAI BERNABEL and)
MATTHEW MARSH,)
 Defendants,)
)

AMENDED STATUS REPORT
January 20, 2006

SWARTWOOD, C.M.J.

The following is an Amended Status Report to Saylor, J. to whom this case is assigned:

1. Discovery

Completed.

2. Nadia Sharai Bernabel

Counsel for Ms. Bernabel and the Government have requested that this case with respect to Ms. Bernabel be returned to Judge Saylor for a Rule 11 hearing. I have granted that request.

3. Matthew Marsh

Counsel for Matthew Marsh intends to file a Motion To Suppress. That motion shall be filed by February 6, 2006 and the Government shall file its opposition to that motion by February 23, 2006.

4. Further Status Conference

A further status conference shall be held in this case on February 27, 2006, at 2:00 p.m., in Courtroom 1, Donohue Federal Building, United States Courthouse, 595 Main Street, Worcester, Massachusetts.

5. Excludable Time

At the request of the Government and with the assent of counsel for Ms. Bernabel, I am excluding from the Speedy Trial Act, the period from December 21, 2005 (date of expiration of prior order of excludable time) through February 23, 2006 (date of by which the Government is to file its opposition to Ms. Bernabel's Motion To Suppress). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Thursday, May 4, 2006.

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
CHIEF MAGISTRATE JUDGE